

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

RUSSELL DOVER, HENRY HORSEY, CODY
RANK, and SUZETTE PERRY, on behalf of
themselves and all others similarly situated,

Plaintiffs

-vs.-

BRITISH AIRWAYS, PLC (UK),

Defendant.

Case No. 1:12-cv-05567 (RJD) (MDG)

Judge: Raymond J. Dearie

Magistrate Judge: Marilyn D. Go

**PLAINTIFFS' NOTICE OF MOTION FOR
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

PLEASE TAKE NOTICE that on a date and at a time to be designated by the Court, at the Courthouse for the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, Plaintiffs will move the Court for class certification, for appointment of class representatives, for appointment of class counsel, and for such other relief as the Court deems just and proper.

1. This Motion is based on this Notice of Motion and Motion; the Memorandum of Law in support of this motion and exhibits attached thereto; the pleadings, records, and files in this action; and such other and further evidence and argument as may be presented at the time of the hearing.

2. Plaintiffs respectfully ask the Court to certify a class of:

All members of the British Airways Executive Club who redeemed frequent flier miles for an award ticket from November 9, 2006 through April 17, 2013 and who paid a BA-imposed "fuel surcharge," so long as that member provided British Airways with a valid United States address at the time of booking. This class excludes: (1) members who redeemed frequent flier miles exclusively using what

British Airways termed its “Cash + Avios” option; (2) any judge to whom this case is assigned, along with his or her staff; (3) British Airways officers, directors, employees, as well as outside counsel in this litigation, and; (4) immediate family of any individual excluded by 2 or 3.

See Fed. R. Civ. P. 23(a)&(b)(3); Fed. R. Civ. P. 23 (c)(1).

3. Plaintiffs respectfully ask the Court to appoint Russell Dover, Henry Horsey, Cody Rank, and Suzette Perry representatives of the class. *See* Fed. R. Civ. P. 23(a); Fed. R. Civ. P. 23 (c)(1).
4. Plaintiffs respectfully ask the Court to appoint Lieff Cabraser Heimann & Bernstein, LLP class counsel. *See* Fed. R. Civ. P. 23(a)&(b)(3); Fed. R. Civ. P. 23 (c)(1); Fed. R. Civ. P. 23(g).

Dated: October 1, 2015

Respectfully submitted,

/s/ Jason L. Lichtman

Jason L. Lichtman

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2015, service of this document was accomplished via e-mail and hand delivery.

A handwritten signature in black ink, appearing to read "Jason L. Lichtman", is written above a horizontal line.

Jason L. Lichtman